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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**Docket Number (Optional)  
1757P

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on November 14, 2005Signature /Stephen G. Sullivan/Typed or printed  
name Stephen G. SullivanApplication Number  
09/680,612Filed  
10/6/2000

First Named Inventor

Art Unit  
2141Examiner  
Coulter, Kenneth R.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor./ Stephen G. Sullivan/

Signature

☐ assignee of record of the entire interest.See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
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Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

November 14, 2005

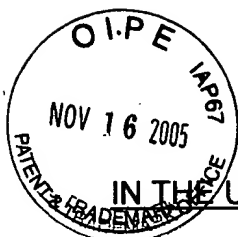
Date

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☒ \*Total of 2 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Eric C. ANDERSON

Date: November 14, 2005

Serial No: 09/680,612

Group Art Unit: 2141

Filed: October 6, 2000

Examiner: Coulter, Kenneth R.

For: TRANSMISSION BANDWIDTH AND MEMORY REQUIREMENTS REDUCTION  
IN A PORTABLE IMAGE CAPTURE DEVICE BY ELIMINATING DUPLICATE  
IMAGE TRANSMISSIONS

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW - ARGUMENTS**

Claims 1-32 are pending. The Examiner has rejected claims 1-5, 8, 22-25, and 29-32 under 35 USC §102(e) as being anticipated by Safai et al (6,167,469). The Examiner has indicated that claims 6, 7 and 26-28 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant traverses the Examiner's rejections.

It is well settled that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131. It is respectfully submitted that Safai fails to teach (or even suggest) each and every element of claims 1-5, 8, 22-25, and 29-32.

Claim 1

Claim 1 recites:

1. A method for reducing transmission bandwidth requirements of a portable image capture device, the image capture device including means for establishing a communications connection on a network, the method comprising:

(a) a first time captured images are uploaded to a server, assigning a respective image identifier to each of the captured images, wherein each of the images is stored in an image file, each of the image files having a particular size; and

(b) in response to a user request to apply an action to one of the uploaded images, transmitting the requested action and the image identifier, rather than the image itself, from the portable image capture device to the server, thereby eliminating the need to retransmit the image and reducing transmission bandwidth.

Applicant respectfully submits that Safai fails to teach (or even suggest) each and every element recited in claim 1. In particular, Safai fails to teach "a first time captured images are uploaded to a server, assigning a respective image identifier to each of the captured images..., and transmitting the requested action and the image identifier, *rather than the image itself*, from the portable image capture device to the server," when the user wants to apply an action to an image that has been uploaded to the server.

In the final Action, the Examiner contends that Applicant's image identifier reads on Safai's authentication stamp. Assuming only for purposes here that were true, in Safai, the camera generates it's "authentication stamp" for each image and *adds it* to the image when the image is uploaded to the server. Thus, the authentication stamp is transmitted with the image when the image is uploaded to the server. Nothing in Safai teaches (or even suggests) that the camera transmits the authentication stamp without the image.

In contrast, in the present invention defined by claim 1, the image identifier is transmitted every time the user submits a request to perform an action pertaining to the image, "eliminating the need to retransmit the image and thereby reducing transmission bandwidth" to carry out the requested action. Accordingly, the image identifier, as

recited in claim 1, cannot be said to read on Safai's authentication stamp as asserted in the final Action, because Safai's authentication stamp is always transmitted with the image, instead of being transmitted with the requested action, rather than the image. Therefore, the claim should be allowable over Safai.

The Examiner continues to assert that Safai teaches this feature at FIG. 2 and column 15, lines 27-45. Applicant respectfully disagrees. FIG. 2 is a block diagram of the physical and logical components of the digital camera. Column 15, lines 27-45 discusses the virtual photo album service offered by the server. Here, the user can upload pictures from her camera to the server, and thereafter, retrieve selected pictures for viewing, printing, transport, etc. In the cited portion, Safai describes that the user can use the transport application or another application to connect to the server 601 and retrieve one or more photos and view the photos at the camera. (Col. 15, lines 36-40). But nothing in the cited portion teaches (or even suggests) that the transport application transmits "*the image identifier*, rather than the image itself, from the portable image capture device to the server," as recited in claim 1.

In responding to Applicant's prior arguments in the final Action, the Examiner states, "[c]learly, once the image is uploaded from the remote device of Safai, further action taken by the user of the remote device on the centrally stored photos does not involve uploading the images a second time." While Safai may not necessarily require the user to upload an image repeatedly in order for the user to perform an action related to a stored image, Safai's arrangement does appear to require that image data be retransmitted at least once between Safai's server 601 and camera 100, and vice versa, after the image is originally uploaded to the server 601 for such actions to be carried

out. This appears to be the case because Safai does not teach (or even suggest) that the camera 100 transmits the requested action and an image identifier, rather than the image itself, in order to carry out such actions. Without an image identifier being available to relate the images stored in the camera 100 to the images stored on the server 601, Safai's camera applications, such as the transport application 230, would necessarily need to download/exchange image data over the connection between the server 601 and the camera 100 to allow the user to select which images a particular function is to be performed against. This exchange of image data between the camera 100 and server 601 in order to facilitate the user's requested action is reduced or eliminated using the method defined by claim 1.

#### Claim 22

Applicant respectfully submits that Safai fails to describe the cooperation of elements recited in claim 22. Claim 22 recites:

22. A method for reducing storage and transmission bandwidth requirements of a portable image capture device, the image capture device including means for establishing a communications connection on a network, the method comprising:
- a) receiving captured images uploaded from the image capture device to a server on the network;
  - b) assigning an image identifier to the uploaded images by the server;
  - c) downloading the image identifiers to the image capture device for association with the corresponding uploaded image; and
  - d) receiving a request from the portable image capture device to apply an action to one of the uploaded images, wherein the request only includes the image identifier of the image and the requested action, thereby eliminating the need to retransmit the image and reducing transmission bandwidth.

In the Final Office Action, the Examiner rejected claim 22 on the grounds that the rejections of claims 1-5 and 8 apply fully. Applicant, however, notes that Safai does not

teach (or even suggest) "assigning an image identifier to the uploaded images *by the server*", much less "downloading the image identifiers to the image capture device for association with the corresponding uploaded image", as recited in claim 22. First, Safai's authentication stamp is generated by the camera and not by the server. Moreover, Safai simply does not describe "downloading" the authentication stamps to the camera because the authentication stamps are stored with the images on the server at all times. In addition, for the reasons stated above with regard to claim 1, Safai does not describe receiving a request that "only includes the image identifier of the image and the requested action."

Conclusion

In view of the foregoing, Applicant respectfully submits that independent claims 1 and 22 are allowable over Safai. Claims 2-5, 8, 23-25, and 29-32 are also considered allowable at least because they are dependent upon one of the allowable independent claims.

Based on the foregoing, Applicant respectfully submits that claims 1-5, 8, 22-25, and 29-32 are allowable over the cited references.

Respectfully submitted,  
STRATEGIC PATENT GROUP, INC.

November 14, 2005  
Date

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